

GEORGIA STATE BOARD OF FUNERAL SERVICE
Secretary of State, Professional Licensing Boards Division

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES
AND NOTICE OF PUBLIC HEARING**

**Chapter 250-6 Establishment/Crematory Licensure and Regulations,
Rule 250-6-.02. Change in Name, Address, Location or Ownership**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter "Board") proposes an amendment to Chapter 250-6 Establishment/Crematory Licensure and Regulations, Rule 250-6-.02. Change in Name, Address, Location or Ownership (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's website page at <http://sos.ga.gov/index.php/licensing/plb/30>, or by contacting the Board at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 5, 2018. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its April 10, 2018 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-72; 43-18-72; 43-18-73; 43-18-74; 43-18-77; and 43-18-78. Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-72; 43-18-72; 43-18-73; 43-18-74; 43-18-77; and 43-18-78 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

A public hearing is scheduled to begin at 1:00 p.m. on June 12, 2018, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

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The proposed rule amendment will be considered for adoption by the Georgia State Board of Funeral Service at its meeting scheduled to begin 1:00 p.m. on June 12, 2018, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt the proposed rule amendment to 250-6-.02 pursuant to authority contained in O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-72; 43-18-72; 43-18-73; 43-18-74; 43-18-77; and 43-18-78.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2 day of May 2018.



Lisa W. Durden, Director
Professional Licensing Boards

Posted: 5/2/18

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SYNOPSIS OF PROPOSED CHANGES TO THE RULES
Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.02. Change in Name, Address, Location or Ownership

Purpose: The purpose of this amendment is to clean up a few words within the text of the rule.

Main Features: The main features of this rule are striking the adjective “written” to allow for electronic submission of applications, replacing antiquated wording, and correcting capitalization errors.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE RULE**

Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.02. Change in Name, Address, Location or Ownership

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.02. Change in Name, Address, Location or Ownership

- (1) Name. A change in the name of a funeral establishment or crematory shall require ~~written~~ submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.
- (2) Address or Location. A change in the address and/or location of a funeral establishment or crematory shall require ~~written~~ submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.
- (3) Ownership. A change of ownership of a funeral establishment or crematory shall require ~~written~~ submission of an application and appropriate fee to the Board within fifteen (15) days of the change in ownership of the said funeral establishment or crematory. ~~Such~~ The notification must be signed by both the seller and the purchaser, and the signatures must be notarized.
- (4) Funeral Director in Full and Continuous Charge.
 - (a) Any change in the Funeral Director in Full and Continuous Charge must be reported to the Board in writing within five (5) days. The Board shall request the new Funeral Director in Full and Continuous Charge and the owner(s) and/or corporate officer(s) of the establishment or crematory to appear before the Board to determine if the requirements for a Funeral Director in Full and Continuous Charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written

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authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the Funeral Director in Full and Continuous Charge interview. In the event the Funeral Director in Full and Continuous Charge applicant is also an owner of that funeral or crematory establishment, the requirement to appear before the Board may be waived; and

- (b) A funeral establishment or crematory temporarily without a Funeral Director ~~in~~ in Full ~~And~~ and Continuous Charge shall notify the Board in writing within five (5) days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment or crematory license is revoked or terminated. The Board at its discretion may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two-year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a Funeral Director in Full and Continuous Charge.
- (5) Destruction. A funeral establishment or crematory temporarily destroyed by fire, flood or other natural catastrophe, shall notify the Board in writing within (5) five days following the catastrophe, requesting a 90-day grace period to use a temporary location while reconstructing the previous location, provided the establishment or crematory meets the requirements of the Code and Rules of the Board. The Board, at its discretion, may grant additional 90-day grace periods, upon proof of good cause. All services provided to the public during any grace period shall be provided by or under the supervision of a licensed funeral director.

Authority: O.C.G.A. § Secs. 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-71; 43-18-72; 43-18-73; 43-18-74; 43-18-77; and 43-18-78

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- (3) Ownership. A change of ownership of a funeral establishment or crematory shall require submission of an application and appropriate fee to the Board within fifteen (15) days of the change in ownership of the said funeral establishment or crematory. The notification must be signed by both the seller and the purchaser, and the signatures must be notarized.
- (4) Funeral Director in Full and Continuous Charge.
 - (a) Any change in the Funeral Director in Full and Continuous Charge must be reported to the Board in writing within five (5) days. The Board shall request the new Funeral Director in Full and Continuous Charge and the owner(s) and/or corporate officer(s) of the establishment or crematory to appear before the Board to determine if the requirements for a Funeral Director in Full and Continuous Charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the Funeral Director in Full and Continuous Charge interview. In the event the Funeral Director in Full and Continuous Charge applicant is also an owner of that funeral or crematory establishment, the requirement to appear before the Board may be waived; and
 - (b) A funeral establishment or crematory temporarily without a Funeral Director in Full and Continuous Charge shall notify the Board in writing within five (5) days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment or crematory license is revoked or terminated. The Board at its discretion may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two-year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a Funeral Director in Full and Continuous Charge.
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